

REMARKS

Claims 1-74 are pending in the application. In the non-final Office Action dated January 23, 2008, the Examiner made the following disposition:

- A.) Rejected claims 1-74 under 35 U.S.C. 101.
- B.) Rejected claims 1-74 under 35 U.S.C. 112, first paragraph.
- C.) Rejected claims 1-74 under 35 U.S.C. 102(e) as being anticipated by *Rice, et al. (U.S. 6,973,560)*("Rice").

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

A.) Rejection of claims 1-74 under 35 U.S.C. 101:

Applicant disagrees with the rejection. However to expedite prosecution, Applicant has amended claims 1, 6, 9, 14, 17, 22, 25, 26, 29, 39, 42, 52-54, 63, and 72-74 in accordance with the Examiner's request to overcome the rejection.

Applicant notes that each claim claims a tangible and useful result, such as publishing a rule datatype or deploying a rule engine.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 1-74 under 35 U.S.C. 112, first paragraph:

Applicant disagrees with the rejection. However to expedite prosecution, Applicant has amended claims 1, 6, 9, 14, 17, 22, 25, 26, 29, 39, 42, 52-54, 63, and 72-74 in accordance with the Examiner's request to overcome the rejection.

Applicant notes that each claim claims a tangible and useful result, such as publishing a rule datatype or deploying a rule engine.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Rejection of claims 1-74 under 35 U.S.C. 102(e) as being anticipated by Rice, et al. (U.S. 6,973,560) ("Rice"):

Applicant respectfully disagrees with the rejection.

Independent claims 1, 9, 17, 25, 26, 39, 52, 53, 54, 63, 72, 73, and 74 each claim subject matter relating to a rule defining a logic for determining exposure to failure of a computer-based system based on asynchronously received configuration information about a computer-based system.

In an illustrative example, the configuration information may be asynchronously received via as subscribed-to information in a publisher/subscriber based system.

This is clearly unlike *Rice*, which fails to disclose or suggest determining exposure to failure of a computer-based system based on asynchronously received configuration information about the computer-based system. Nowhere does *Rice* teach or suggest asynchronously receiving configuration information, let alone determining exposure to failure based on asynchronously received configuration information. This is simply not discussed in *Rice*. As noted by the Examiner, *Rice*'s programs synchronously exchange information. *Office Action of 1/23/2008*, page 68, citing *Rice* 9:5-14.

For at least this reason, *Rice* fails to disclose or suggest claims 1, 9, 17, 25, 26, 39, 52, 53, 54, 63, 72, 73, and 74.


Claims depend directly or indirectly from claims 1, 9, 17, 25, 26, 39, 52, 53, 54, 63, 72, 73, and 74 and are therefore allowable for at least the same reasons that claims 1, 9, 17, 25, 26, 39, 52, 53, 54, 63, 72, 73, and 74 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-74 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,



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